

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-8, 11-19, 24-30) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, the Examiner rejected claims 1-8, 11-19 and 24-26 as being indefinite because the dependent claims recited the phrase "and/or". Applicants have amended claims 1 and 24 to remove this language. Therefore it is believed that this rejection has been overcome.

The Examiner then rejected claims 1-8, 17, 28 and 29 as being anticipated by Park U.S. Patent No. 6,217,620. Park discloses reinforcement elements on the distal stem for use when implanting a solid prosthesis in bone cement. Applicants have amended the independent claims to require the sleeve portions to be clamped around the proximal stem by the securing elements. Clearly, the support structures of Park are not clamped around the stem.

Claims 1 and 28 have also been amended to require that at least one of the proximal sleeve components include a trough on a proximal surface thereof for receiving a distal surface of a medially extending neck portion. Such a structure is not shown in Park.

The Examiner rejected claims 11 and 13-15 as being obvious over a combination of Park in view of McCarthy U.S. Patent No. 5,549,706. As discussed above with regard to Park, McCarthy does not utilize any clamping system to attach the separate elements disclosed therein to the body of the stem. In addition, McCarthy does not teach using a trough to receive the neck of the implant stem. Claim 16, which depends from claim 1, distinguishes over the combination of Park and Fallin U.S. Patent No. 5,106,452 also for the reasons discussed above.

The Examiner then rejects claims 1, 12, 18, 19, 24-30 as being unpatentable over Noiles U.S. Patent No. 4,846,839 in view of Ferree U.S. Patent Publication No. 2004/0024469. Noiles discloses a modular proximal sleeve and Ferree teaches an expansion element which uses two parts with screws to expand the components 68 into engagement with the wall of the medullary canal. That the components of Ferree are taught to expand teaches away from their combination with Noiles. In column 4, lines 33-37 of Noiles teach that the walls 24 of the sleeve taper inwardly from the top to the bottom and mate with a complimentary taper on the outside of the stem. The slopes of these tapers are chosen so that the stem and the collar lock together as the stem is pushed into the collar. If the collar of Noiles were made in two pieces and the inner diameter expanded by using a screw system so that the outer sleeve diameter contacted the bone, it would not be possible to determine where the head of the Noiles stem would be positioned when the tapers lock. In the present invention, the sleeves are locked to the proximal end of the stem with one of the sleeves provided with a trough to receive the distal surface of the laterally extending neck so that the sleeves, when clamped, always are in the same circumferential and proximal location with respect to the stem once clamped. There is no teaching of a trough on the sleeve in any of the prior art cited by the Examiner. This trough allows the sleeve to be located more proximally than the prior art sleeves. This ensures that the load is transferred to bone in the proximal femur.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's

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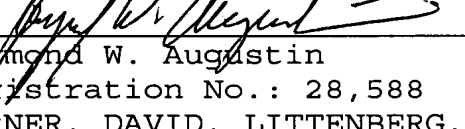
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attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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